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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
ARMANDO GIL-TSUN,)
)
Defendant.)

No. 07-70076 MEJ

~~PROPOSED~~ ORDER AND STIPULATION
EXCLUDING TIME FROM MARCH 19,
2007 TO MARCH 29, 2007 FROM THE
SPEEDY TRIAL ACT CALCULATION (18
U.S.C. § 3161(h)(8)(A))

On February 7, 2007, the Honorable Maria Elena James issued a Complaint charging the Defendant with a violation of Title 8, Section 1326 and on February 9, 2007, the Defendant was arraigned on that Complaint. On February 15, 2007, the Defendant waived a detention hearing without prejudice and the matter was set for a Preliminary Hearing on February 26, 2007. On February 26, 2007, the Honorable Maria Elena James, upon Stipulation of the parties, ordered that the Preliminary Hearing be continued until March 19, 2007.

Counsel for the Government and Defendant are currently discussing a pre-indictment resolution of this case. Further, counsel for the Defendant does not believe it is in his client's best interests for the government to indict the case within 30 days of arrest on the Complaint, as required under 18 U.S.C. § 3161(b).

Accordingly, the parties have agreed as follows:

1. The Preliminary Hearing shall be removed from the March 19, 2007 calendar and be continued until March 29, 2007.
2. The Defendant agrees to an exclusion of time under the Speedy Trial Act. Failure to grant the requested continuance would unreasonably deny both Government and Defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, the need for both sides to investigate the facts of the case, and the on-going attempts to reach a pre-indictment disposition.
3. Given these circumstances, the parties agree and the Court should find that the ends of justice are served by excluding the period from March 19, 2007 to March 29, 2007 from the Speedy Trial Act calculation and outweigh the best interest of the public and the Defendant in a speedy trial. Id. § 3161(h)(8)(A).

IT IS SO STIPULATED.

DATED: March 15, 2007

/s/
DENISE MARIE BARTON
Assistant United States Attorney

DATED: March 15, 2007

/s/
STEVEN J. KOENINGER
Attorney for ARMANDO GIL-TSUN

IT IS SO ORDERED.

Pursuant to the parties' Stipulation and for the reasons set forth above, the Preliminary Hearing shall be removed from the March 19, 2007 calendar and continued until March 29, 2007 and the time from March 19, 2007 to March 29, 2007 shall be excluded from the Speedy Trial Act calculations.

DATED: March 16, 2007

